

REMARKS

The objections to claims 18, 19, and the rejection of claims 2, 3 are noted.

These claims have been cancelled without prejudice.

Rejected claims 1, 6 have been cancelled without prejudice.

Claim 10 has been rejected under 35 USC §102(a) as being anticipated by Spence et al. '722. This rejection is respectfully traversed.

Claim 10 has been amended to depend from newly-independent claim 7 and now specifically recites "each ball element is formed substantially as a spheroid including an equatorial band at greater radius than the spheroidal radius and oriented substantially coaxial to a central axis of the internal bore".

These aspects of the claimed invention are not disclosed by the cited reference which merely relies upon spherical beads with central bores alternately stacked with tubular links 92 that may surround a vacuum hose or at least a tension cable. There is no disclosure in this reference of such an equatorial band about ball elements as would limit the relative angular movement of tubular link and bead, in a manner as claimed by applicants. It is therefore respectfully submitted that the reference with such deficiency of disclosure cannot anticipate the dependent claim 10 that is submitted to be patentably distinguishable over the cited art.

Rejected claims 2-4 have been cancelled without prejudice.

Claim 5 has been rejected under 35 USC §103(a) as being unpatentable over Spence et al. '722 in view of Blanco et al. '259. This rejection is respectfully traversed.

This claim, which has been amended to incorporate subject matter of predecessor claims now sets forth in independent form, inter alia, "each of the ring elements including at each of the ends thereof a plurality of stepped edges oriented in concentric array at different radii from a central axis of the internal bore therethrough in an array of such edges along the central axis that form discontinuous contact surfaces arrayed about a substantially spherical configuration to form the contiguous engaged surface thereof in mating engagement with the spherical segment of a mating ball element".

These aspects of the claimed invention promote lower-friction engagement of ball and ring elements while maintaining some sealing of such elements against incursion of bodily fluids at various relative angular orientations of such elements.

These aspects of the claimed invention are not shown or suggested by these cited references considered alone or in the combination proposed by the Examiner. Specifically, Spence et al. '722 discloses beads and tubular links with no concentric steps associated with mating surfaces of such elements. And, Blanco et al. '259 is understood to rely upon longitudinally-oriented tapers and grooves in the ends of tubular links between spherical beads. Thus, merely combining these

references in the manner proposed by the Examiner fails to establish concentric edges in the manner as claimed by applicants, and this combination of references thus also fails to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is therefore respectfully submitted that claim 5 is now patentably distinguishable over the cited art.

Rejected claim 11 has been cancelled without prejudice.

Claims 7 and 12 have been rejected under 35 USC §103(a) as being unpatentable over Spence et al. '722 in view of Corey, Jr. et al. '425. This rejection is respectfully traversed.

Newly-independent claim 7 as amended to incorporate subject matter of its parent claim, now specifically recites "each ball element... at each end thereof.... and including a shoulder extending radially outwardly from the central bore to a dimension greater than the maximum radius of the segment of spherical configuration for abutting an adjacent ring element to limit angular orientation of the ball element relative to an adjacent ring element".

In addition, dependent claim 12 is further limited to "the contact member is attached to the tensioning element and is disposed in rotatable orientation within a mating lateral groove in a distal end of the assembled array of ball and ring elements for angular adjustment of the contact member about an axis transverse to the tensioning element".

These aspects of the claimed invention limit the range of relative angular orientations of ball and ring elements to avoid kinking of the assembled structure at an interface of ball and ring elements, and associated pinching or shearing of an internal tensioning element.

These aspects of the claimed invention are not shown or suggested by the references considered either alone or in the combination proposed by the Examiner. As the Examiner correctly notes, Spence et al. '722 fails to disclose a shoulder extending radially outwardly from the spherical surface of a ball element. And, Corey, Jr. et al. '425 is understood to rely upon similar successive elements in an assembly of such elements that each include a ball element at one end and a socket at an opposite end. In this configuration, articulating joints are disposed only at one socket end of each element, in contrast with two articulating joints at each end of one ring element, in the manner as claimed by applicants. And, an organ-contacting element is not disclosed attached to a tensioning element, as claimed by applicants. Thus, merely combining the cited references in the manner proposed by the Examiner is submitted not to yield applicants' claimed invention. Claims 7, 12 are therefore submitted to be patentably distinguishable over the cited art.

Rejected claim 8 has been cancelled without prejudice.

Claim 9 has been rejected under 35 USC §103(a) as being unpatentable over Spence et al. '722. This rejection is respectfully traversed.

This dependent claim is further limited by the specific recitation of “each of the ring elements is formed of a resilient material”.

This aspect of the claimed invention is not shown or suggested by Spencer et al. ‘722 that is understood to rely upon tubular links 92, with no disclosure or suggestion of such links being resilient. It is therefore respectfully submitted that dependent claim 9 is patentably distinguishable over the cited art.

Claims 13-17 have been rejected as being unpatentable over Spence et al. ‘722 in view of Sienkiewicz et al. ‘902. This rejection is respectfully traversed.

These claims variously recite “a contact member including a solid surface disposed to be positioned adjacent the organ, and including a layer of...textile material...of a selected thickness...in a range between about .015 inches and about .064 inches”, (or) “including a layer of textile material including rayon fibers disposed on the solid surface to contact a surface of the organ”, (or) “non-woven fiberous textile material disposed on the solid surface to contact a surface of the organ”, (or) “non-woven rayon fibers on the solid surface of the contacting member disposed for positioning adjacent the organ”, (or) “a plurality of layers of fiberous textile material on the solid surface of the contacting member disposed for positioning adjacent the organ”.

These aspects of the claimed invention reduce slippage during stabilization of surface movement of the organ in contact with the contact member without

significantly imprinting or embossing a pattern of a contacting medium in the organ surface.

These aspects of the claimed invention are not shown or even suggested by the cited references considered either alone or in the combination proposed by the Examiner.

Specifically, the Examiner correctly notes absence of textile material on an organ-contacting member in Spence et al. '722. In addition, it must be noted in Sienkiewicz et al. '902 that "the expandable sheath 20 is preferably fabricated from a textile material...to enclose...the resilient bands...sheath 20 is expanded so as to define a retracting surface for manipulating body tissue and organs..." (Col. 4, line 66 to Col. 5, line 15). Applicants submit that such resilient bands to frame an organ-retracting surface significantly limit textile materials useable in stretched configuration over a resilient frame, and substantially teaches away from using thicknesses of textile materials, or non-woven materials, or the like, disposed on a solid surface as claimed by applicants. It is therefore respectfully submitted that claims 13-17 as amended are now patentably distinguishable over the cited art.

Reconsideration and allowance of all remaining claims over the cited references (including the references, cited but not applied) are solicited.

Respectfully submitted,
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